

## **REMARKS**

The Applicant thanks the Examiner for the careful consideration of this application. Claims 1, 5, and 6-10 are currently pending. Claims 1, 5, and 6, and the drawings, have been amended. Claims 9 and 10 have been added. Claims 2-4 have been cancelled, without prejudice. Claims 7 and 8 have been withdrawn. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

### **Rejections under 35 U.S.C. § 102**

(1) The Office Action rejected claims 1 and 4-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,217,000 to Younie (“Younie”). Claim 1 is the independent claim. Claim 4 has been cancelled, and the subject matter thereof has been added to claim 1. The Applicant traverses this rejection for at least the following reason.

Younie does not disclose “wherein the first support element is pivotally mounted to the base at a pivot point located between the first corner of the item and the second corner of the item,” as recited by amended claim 1. In rejecting claim 1, the Office Action asserts that “the region 48 . . . is *fixedly* arranged at a hypothetical pivot point located in the center of the widthwise extent of said region 48” (emphasis added). However, “the region 48” (i.e., top tool 48) is not “pivotally mounted to [a] base” at the hypothetical pivot point, as claimed. Instead, as acknowledged by the Office Action in the quoted language above, the top tool is *fixed* at the hypothetical pivot point. Accordingly, Younie does not disclose “wherein the first support

element is pivotally mounted to the base at a pivot point located between the first corner of the item and the second corner of the item,” as recited by amended claim 1.

The Applicant submits that claim 1 is patentable over Younie for at least the foregoing reasons. Claims 5 and 6 depend from claim 1, and are patentable for at least the same reasons.

(2) The Office Action rejected claims 1 and 4-6 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 2003-291127 to Kaneko (“Kaneko”). Claim 1 is the independent claim. Claim 4 has been cancelled, without prejudice. The Applicant traverses this rejection for at least the following four reasons.

*First*, Kaneko does not disclose “a leaktight cloth positioned over the base [and] the item,” as recited by amended claim 1. Referring to Kaneko’s Figs. 1, 4, and 5, the form disclosed by Kaneko appears to be rigid on all six sides. Accordingly, Kaneko does not disclose “a leaktight cloth positioned over the base [and] the item,” as recited by amended claim 1.

*Second*, Kaneko does not disclose “a pump in fluid communication with the duct, the pump adapted to draw a vacuum between the base and the leaktight cloth,” as recited by amended claim 1. Referring to Kaneko’s figures, nowhere is a pump shown. In addition, referring to the English language abstract for Kaneko, it is disclosed that “[a]ir holes are provided to both of the side planks so as to communicate with the outside and the atmospheric pressure.” In view of these air holes, it would be impossible to draw a vacuum within the form. Accordingly, Kaneko does not disclose “a pump in fluid communication with the duct, the pump adapted to draw a vacuum between the base and the leaktight cloth,” as recited by amended

claim 1.

*Third*, Kaneko does not disclose “a first support element and a second support element mounted to the base adjacent to one another along a continuous surface of the item, the continuous surface terminating at a first corner of the item and a second corner of the item” as recited by amended claim 1. Even assuming, for the sake of argument, that the Office Action were to align the bottom wall 10 and the right side wall 30 of Kaneko’s Fig. 1 with the claimed “first support element” and “second support element,” respectively, the bottom wall 10 and right side wall 30 are not “mounted to the base adjacent to one another along a continuous surface of the item, the continuous surface terminating at a first corner of the item and a second corner of the item,” as claimed. Instead, the bottom wall 10 and the right side wall 30 of Kaneko’s Fig. 1 represent two discontinuous surfaces that are interrupted by the pivot in the lower right-hand corner. Accordingly, Kaneko does not disclose “a first support element and a second support element mounted to the base adjacent to one another along a continuous surface of the item, the continuous surface terminating at a first corner of the item and a second corner of the item” as recited by amended claim 1.

*Forth*, Kaneko does not disclose a “continuous surface terminating at a first corner of the item and a second corner of the item . . . wherein the first support element is pivotally mounted to the base at a pivot point located between the first corner of the item and the second corner of the item,” as recited by amended claim 1. The Office Action apparently aligns the pivot located in the lower right-hand corner of Kaneko’s Fig. 1 with the claimed “pivot point” of claim 1. However, Kaneko’s pivot is not “located between the first corner . . . and the second corner” of a

“continuous surface,” as recited by amended claim 1. Instead, Kaneko’s pivot is located *at* the corner of the right side wall 30 and the bottom wall 10. Accordingly, Kaneko does not disclose a “continuous surface terminating at a first corner of the item and a second corner of the item . . . wherein the first support element is pivotally mounted to the base at a pivot point located between the first corner of the item and the second corner of the item,” as recited by amended claim 1.

The Applicant submits that claim 1 is patentable over Kaneko for at least the foregoing four reasons. Claims 5 and 6 depend from claim 1, and are patentable for at least the same reasons.

#### New Claims

New dependent claims 9 and 10 have been added. Claim 9 recites that “the second support element is rigidly fixed to the base, and has a first end located in contact with the first support element and a second end spaced apart from the second corner of the item.” Claim 10 recites that “the second support element is rigidly fixed to the base, and has a first end located in contact with the first support element and a second end located along the continuous surface in contact with the second corner of the item.” The Applicant submits that new claims 9 and 10 are patentable for being dependent upon allowable claim 1, as well as for reciting additional features.

**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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/Steven J. Schwarz/

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